

1 AN ACT concerning taxes.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The State Finance Act is amended by adding
5 Sections 5.595 and 6z-59 as follows:

6 (30 ILCS 105/5.595 new)

7 Sec. 5.595. The Tax and Assessment Recovery Fund.

8 (30 ILCS 105/6z-59 new)

9 Sec. 6z-59. The Tax and Assessment Recovery Fund. There
10 is created in the State treasury the Tax and Assessment
11 Recovery Fund. Through December 31, 2010, all moneys
12 received from the rental, authorized under Section 2705-555
13 of the Department of Transportation Law of the Civil
14 Administrative Code of Illinois, of land, buildings, or
15 improvements on property held for development of an airport
16 in Will County by the Department of Transportation shall be
17 remitted to the State Treasurer for payment into the Tax and
18 Assessment Recovery Fund. Subject to appropriation, the
19 moneys in the Fund shall be expended with the following
20 priority: (1) to compensate units of local government for
21 property taxes and drainage district assessments that would
22 have been extended and collected on Will County real property
23 before ownership by the State for the development of the
24 airport (tax compensation and assessment compensation); then
25 (2) to pay maintenance and repair costs for that real
26 property. Expenditures for these purposes may be made by the
27 Department of Transportation without regard to the fiscal
28 year in which tax compensation liability, assessment
29 compensation liability, and property maintenance and repair
30 costs were incurred. Unexpended moneys in the Fund shall not

1 be transferred or allocated by the Comptroller or Treasurer
2 to any other fund nor shall the Governor authorize the
3 transfer or allocation of those moneys to any other fund.
4 After December 31, 2010, all moneys received from the rental,
5 authorized under Section 2705-555 of the Department of
6 Transportation Law of the Civil Administrative Code of
7 Illinois, of land, buildings, or improvements on property
8 held for the development of an airport in Will County by the
9 Department of Transportation shall not be remitted to the Tax
10 and Assessment Recovery Fund but shall instead be paid to the
11 General Revenue Fund. The balance remaining in the Tax and
12 Assessment Recovery Fund on December 31, 2010 shall first be
13 expended to compensate units of local government for taxes
14 and assessments for the 2010 property tax assessment year and
15 prorated through December 31, 2010, and then transferred to
16 the General Revenue Fund for the purpose of debt service on
17 State bonds issued to provide funds for airport land
18 acquisition in Will County.

19 Section 10. The Property Tax Code is amended by changing
20 Section 15-55 as follows:

21 (35 ILCS 200/15-55)

22 Sec. 15-55. State property. All property belonging to
23 the State of Illinois is exempt. However, the State agency
24 holding title shall file the certificate of ownership and use
25 required by Section 15-10, together with a copy of any
26 written lease or agreement, in effect on March 30 of the
27 assessment year, concerning parcels of 1 acre or more, or an
28 explanation of the terms of any oral agreement under which
29 the property is leased, subleased or rented.

30 The leased property shall be assessed to the lessee and
31 the taxes thereon extended and billed to the lessee, and
32 collected in the same manner as for property which is not

1 exempt. The lessee shall be liable for the taxes and no lien
2 shall attach to the property of the State.

3 For the purposes of this Section, the word "leases"
4 includes licenses, franchises, operating agreements and other
5 arrangements under which private individuals, associations or
6 corporations are granted the right to use property of the
7 Illinois State Toll Highway Authority and includes all
8 property of the Authority used by others without regard to
9 the size of the leased parcel.

10 However, all property of every kind belonging to the
11 State of Illinois, which is or may hereafter be leased to the
12 Illinois Prairie Path Corporation, shall be exempt from all
13 assessments, taxation or collection, despite the making of
14 any such lease, if it is used for:

15 (a) conservation, nature trail or any other
16 charitable, scientific, educational or recreational
17 purposes with public benefit, including the preserving
18 and aiding in the preservation of natural areas, objects,
19 flora, fauna or biotic communities;

20 (b) the establishment of footpaths, trails and
21 other protected areas;

22 (c) the conservation of the proper use of natural
23 resources or the promotion of the study of plant and
24 animal communities and of other phases of ecology,
25 natural history and conservation;

26 (d) the promotion of education in the fields of
27 nature, preservation and conservation; or

28 (e) similar public recreational activities
29 conducted by the Illinois Prairie Path Corporation.

30 No lien shall attach to the property of the State. No tax
31 liability shall become the obligation of or be enforceable
32 against Illinois Prairie Path Corporation.

33 However, the lessee of each parcel of real property in
34 Will County owned by the State of Illinois for the purpose of

1 developing an airport by the Department of Transportation
2 shall not be liable for the taxes thereon. In order for the
3 State to compensate units of local government for taxes that
4 would have been extended and collected on Will County real
5 property before ownership by the State for the development of
6 the airport, the Will County Supervisor of Assessments shall
7 certify, in writing, to the Department of Transportation, the
8 amount of assessed taxes for each such parcel for the 2001
9 property tax year. The Department of Transportation shall pay
10 to the Will County Treasurer, from the Tax and Assessment
11 Recovery Fund, on or before July 1 of each year, the amount
12 of rent collected for each parcel during the previous year
13 (tax compensation). The payment, however, shall not exceed,
14 for each parcel, the assessed tax amount for the 2001
15 property tax year. The tax compensation shall terminate on
16 December 31, 2010. It is the duty of the Department of
17 Transportation to file with the Office of the Will County
18 Supervisor of Assessments an affidavit stating the
19 termination date for rental of each such parcel due to
20 airport construction. The affidavit shall include the
21 property identification number for each such parcel. In no
22 instance shall tax compensation for property owned by the
23 State be deemed delinquent or bear interest. In no instance
24 shall a lien attach to the property of the State. In no
25 instance shall the State be required to pay property tax
26 compensation in excess of the Tax and Assessment Recovery
27 Fund's balance.

28 Public Act 81-1026 applies to all leases or agreements
29 entered into or renewed on or after September 24, 1979.

30 (Source: P.A. 86-413; 88-455.)

31 Section 15. The Illinois Drainage Code is amended by
32 adding Section 5-32 as follows:

1 (70 ILCS 605/5-32 new)

2 Sec. 5-32. Exemption. Real property owned by the State
3 of Illinois in Will County for the purpose of developing an
4 airport by the Department of Transportation is exempt from
5 assessments. Assessments shall not be extended and billed to
6 the State's lessee. During the State's ownership, it is the
7 duty of the Department of Transportation to file with each
8 affected drainage district, on or before January 31 of each
9 year, an affidavit stating whether there has been any change
10 in property ownership. In order for the State to compensate
11 Will County drainage districts for assessments that would
12 have been collected on that property, each affected drainage
13 district shall certify, in writing, to the Department of
14 Transportation, the amount of assessments for each affected
15 parcel for the 2001 property assessment year. The Department
16 of Transportation shall pay to the affected drainage
17 district, from the Tax and Assessment Recovery Fund, on or
18 before July 1 of each year, the amount of rent collected for
19 each parcel during the previous year, reduced by the
20 Department's payments to the Will County Treasurer for tax
21 compensation liabilities under Section 15-55 of the Property
22 Tax Code (assessment compensation). The annual payment to
23 each drainage district shall not exceed, for each parcel, the
24 assessment amount for the 2001 property assessment year. The
25 assessment compensation shall terminate on December 31, 2010.
26 It is the duty of the Department of Transportation to file
27 with each affected drainage district an affidavit stating the
28 termination date for rental of each such parcel due to
29 airport construction. The affidavit shall include the
30 property identification number for each such parcel. In no
31 instance shall assessment compensation for property owned by
32 the State be deemed delinquent or bear interest. In no
33 instance shall a lien attach to the property of the State. In
34 no instance shall the State be required to pay assessment

1 compensation in excess of the Tax and Assessment Recovery
2 Fund's balance.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.